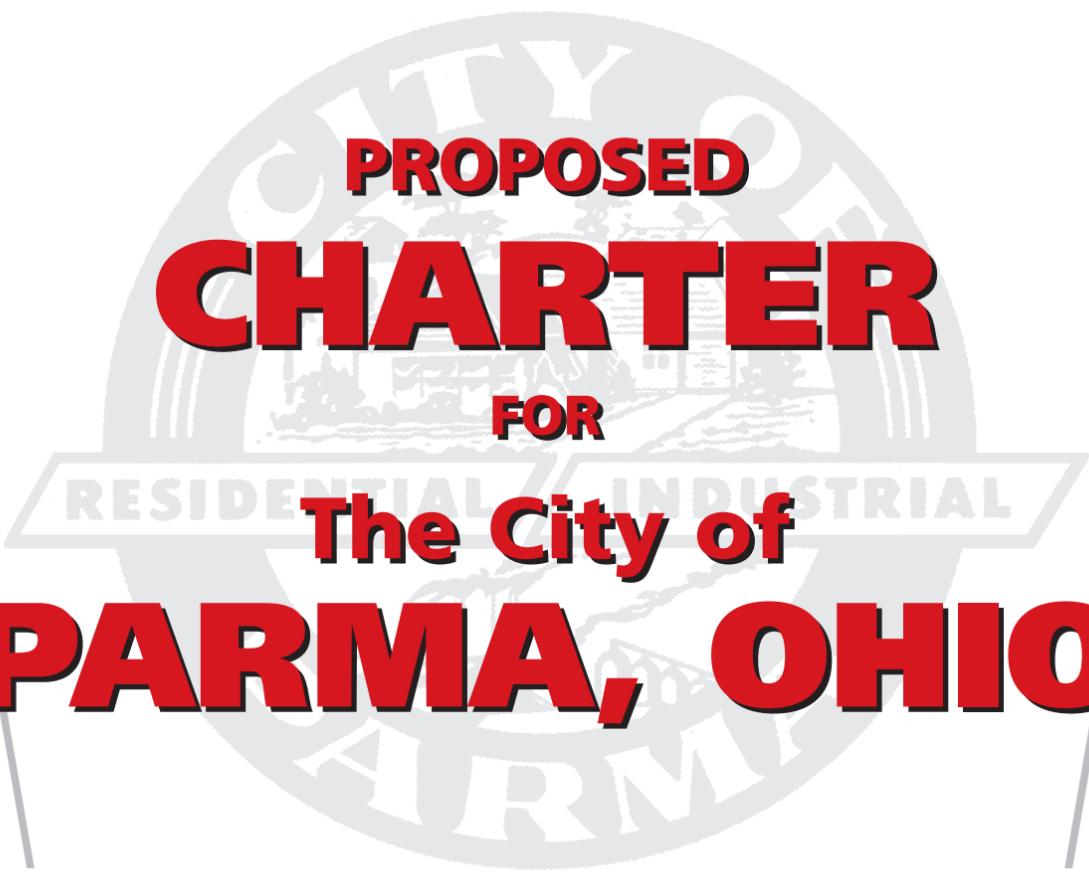


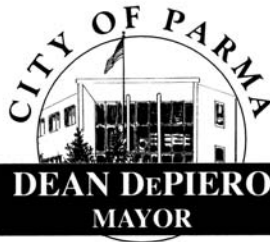
**PROPOSED  
CHARTER  
FOR  
The City of  
PARMA, OHIO**



**SUBMITTED TO THE ELECTORS FOR  
THEIR APPROVAL AT AN  
ELECTION TO BE HELD**

**NOVEMBER 2, 2004**

INSIDE FRONT COVER  
BLANK



6611 Ridge Road  
Parma, OH 44129

Phone: 440-885-8001  
Fax: 440-885-8172

October 1, 2004

Dear Parma Resident:

This package provides you with a copy of the proposed City of Parma Charter that you will be asked to vote on in the November 2004 General Election.

In the November 2003 election, Parma's voters declared that a Charter was desired, and chose fifteen citizens to serve on the City's Charter Commission. This document is the result of that Commission's work over the past eight months.

As Mayor, and a citizen of this municipality, I support the contents of this proposed Charter and hope that you will take the time to thoughtfully read and consider it. A summary has also been provided that highlights the changes that would occur in the manner in which Parma governs itself.

I would like to express my gratitude to the members of the Charter Commission, and I thank you in advance for your consideration of this proposed City of Parma Charter.

Sincerely,

A handwritten signature in black ink, appearing to read "DePiero", with a stylized flourish at the end.

Dean DePiero  
Mayor

DD/sc

# 2004 Parma Charter Commission

---

Co-Chairmen

Timothy Boyko  
Jack C. Krise, Jr.

Secretary

Lisa DePiero

Parliamentarian  
& Vice Chairman

Paul T. Kirner

Treasurer

David Jakubowski

Nick Celebrezze

Martin Drabek

Ruth Fay

JoAnn Mason

Deborah Matis

Ron "Mickey" Mottl

Ruth Revecky

Thomas Tomsik

Mickey Vittardi

William Zaccardelli

Dear Voter:

On behalf of the Parma Charter Commission, it is our privilege to submit to you the Proposed City of Parma Charter. As you may know, a Charter is similar to a Constitution for a City, which allows the residents of the City of Parma to be governed by their own "home rule," rather than being governed strictly by State law. The Commission members, elected by the voters in November, 2003, met over a period of seven months this year to draft the Proposed Charter. As a result of much hard work, debate and compromise, the Commission unanimously approved the submission of the Proposed City of Parma Charter to the voters.

We strongly recommend your complete review of the Proposed Charter. While we acknowledge there may be some provisions in this Charter which individual voters may not agree with, we respectfully request that you consider the entire document prior to making your decision on the the adoption of the Charter. It is important that each voter recognize that, once adopted, any provision of the Charter may be amended each November. We anticipate the scheduling of informational meetings prior to the November 2nd election, and welcome any questions you may have.

We would like to express our appreciation and gratitude to each of the Commission members who worked so diligently in the drafting of the Proposed Charter, as well as everyone else who provided input and support throughout this process.

We look forward to working together to improve our municipal government. Thank you in advance for your review and consideration of the Proposed Charter.

Parma Law Department

Chief Assistant

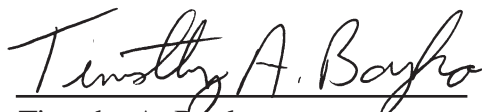
Law Director

Anthony Zampedro


Parma Council Office:

Commission Secretary

Linda L. Cross



Timothy A. Boyko  
Co-Chairman



Jack C. Krise, Jr.  
Co-Chairman

# Parma Charter Commission 2004



**Pictured from left to right:**

**Seated:** David Jakubowski, Ron “Mickey” Mottl, Nick Celebrezze, Ruth Revecky, Deborah Matis, JoAnn Mason

**Standing:** Martin Drabek, Ruth Fay, Paul T. Kirner, Jack C. Krise, Jr., Timothy Boyko, Lisa DePiero, Mickey Vittardi, William Zaccardelli, and Thomas Tomsik

## **CHARTER SUMMARY**

Summarized below are some of the main provisions of the Proposed City of Parma Charter.

1. The Charter eliminates the elected positions of City Treasurer and City Auditor and consolidates the duties under a Finance Director appointed by the Mayor.
2. The Charter eliminates the elected position of President of Council. Council members would elect the President of Council from among its members.
3. The Charter replaces existing police and fire levies and adds less than one mill in additional property taxes.
4. The Charter reduces council wards from nine to seven, with the seven ward council members elected from their respective wards. The Charter provides for two council members elected at large from the entire City.
5. The Charter establishes qualifications and residency requirements for elected and certain appointed officials.
6. The Charter provides for open records and open meetings.
7. The Charter establishes a Board of Ethics to review and enforce ethical conduct among City officials.
8. The Charter establishes an Architectural Review Board.
9. The Charter retains Civil Service selection and protection of employees under current State law.
10. The Charter grants to the voters of Parma the power to recall elected officials.
11. The Charter provides for Initiative and Referendum powers to the voters of the City.

# **PARMA ELECTED** **OFFICIALS**

**Dean DePiero**  
Mayor

**Charles M. Germana**  
President of Council

**Timothy Dobeck**  
Law Director

**Dennis Kish**  
Auditor

**Jack C. Krise, Jr.**  
Treasurer

## **City Council**

<b>Mary Galinas</b>	<b>Ward 1</b>
<b>Sean Brennan</b>	<b>Ward 2</b>
<b>Stuart Boyda</b>	<b>Ward 3</b>
<b>Brian Day</b>	<b>Ward 4</b>
<b>Michelle Stys</b>	<b>Ward 5</b>
<b>Larry Napoli</b>	<b>Ward 6</b>
<b>Tom Mastroianni</b>	<b>Ward 7</b>
<b>Anthony Zielinski</b>	<b>Ward 8</b>
<b>Roy J. Jech</b>	<b>Ward 9</b>

# C E R T I F I C A T E

We, the qualified members of the Charter Commission of the City of Parma, Ohio elected November 4<sup>th</sup>, 2003, have framed the foregoing Charter and have fixed November 2, 2004, as the time of the election at which the Charter shall be submitted to the electors of the City of Parma, Ohio.

/s/ Timothy Boyko  
Co-Chairman

/s/ Jack C. Krise, Jr.  
Co-Chairman

/s/ Paul T. Kirner  
Vice Chairman/Parliamentarian

/s/ Lisa DePiero  
Secretary

/s/ David Jakubowski  
Treasurer

/s/ Nick Celebrezze

/s/ Martin Drabek

/s/ Ruth Fay

/s/ JoAnn Mason

/s/ Deborah Matis

/s/ Ron "Mickey" Mottl

/s/ Ruth Revecky

/s/ Thomas Tomsik

/s/ Mickey Vittardi

/s/ William Zaccardelli

## **TABLE OF CONTENTS**

### **PREAMBLE**

### **ARTICLE I: NAME AND BOUNDARIES**

Section 1.01 Name and Boundaries.

### **ARTICLE II: CORPORATE POWERS**

Section 2.01 Powers Granted; Exercise of Powers; Construction of Powers.

Section 2.02 Finances.

Section 2.03 Taxation.

### **ARTICLE III: COUNCIL**

Section 3.01 Composition and Term.

Section 3.02 Qualifications of Office.

Section 3.03 Ward Boundaries.

Section 3.04 Powers, Meetings and Rules.

Section 3.05 Organization and Meetings.

Section 3.06 Clerks.

Section 3.07 Removal.

Section 3.08 Confirmation of Mayoral Appointments.

Section 3.09 Performance Audit or Review.

### **ARTICLE IV: THE MAYOR**

Section 4.01 Term.

Section 4.02 Qualifications.

Section 4.03 Removal.

Section 4.04 Vacancy and Absence in Office of Mayor.

Section 4.05 Duties and Powers of the Mayor.

### **ARTICLE V: ADMINISTRATIVE DEPARTMENTS**

Section 5.01 General Provisions.

Section 5.02 Department of Law.

Section 5.03 Department of Finance.

Section 5.04 Department of Public Safety.

Section 5.05 Department of Public Service.

## ARTICLE VI: CIVIL SERVICE

- Section 6.01 Civil Service; Exceptions.
- Section 6.02 Organization.
- Section 6.03 Chiefs of Safety Forces.

## ARTICLE VII: BOARDS AND COMMISSIONS

- Section 7.01 General Provisions.
- Section 7.02 Board of Zoning Appeals.
- Section 7.03 Planning Commission.
- Section 7.04 Architectural Review Board.
- Section 7.05 Board of Ethics.

## ARTICLE VIII: NOMINATIONS AND ELECTIONS

- Section 8.01 Municipal Elections.
- Section 8.02 Primary Election.
- Section 8.03 Declaration of Candidacy.
- Section 8.04 Nominations of Party Candidates With and Without Primary Election.
- Section 8.05 Military Service or Other Public Employment.
- Section 8.06 Independent Candidates.
- Section 8.07 General Provision.
- Section 8.08 Recall.

## ARTICLE IX: OPEN MEETINGS; OPEN RECORDS

- Section 9.01 Meetings of Public Bodies To Be Open.
- Section 9.02 Open Records.

## ARTICLE X: AMENDMENT OF CHARTER

- Section 10.01 Charter Review.
- Section 10.02 Amendments.

## ARTICLE XI: GENERAL INTENT

- Section 11.01 Definitions, Vote and Employment.

## ARTICLE XII: INITIATIVE AND REFERENDUM

- Section 12.01 Initiative.
- Section 12.02 Referendum.

## ARTICLE XIII: GENERAL PROVISIONS

Section 13.01	Succession.
Section 13.02	Effect of Charter on Existing Laws and Rights.
Section 13.03	Effect of Partial Invalidity.
Section 13.04	Effective Date of Charter.

# **CHARTER FOR THE CITY OF PARMA, OHIO**

## **PREAMBLE**

In order to secure the benefits of municipal home rule and local self-government under the Constitution and Laws of the State of Ohio, we, the people of the City of Parma, County of Cuyahoga and State of Ohio, do hereby adopt this Charter.

## **ARTICLE I NAME AND BOUNDARIES**

### **SECTION 1.01**      NAME AND BOUNDARIES.

The Municipal Corporation, now existing as the City of Parma, shall continue to be a body politic and corporate under the name of the City of Parma, with the same boundaries, but with authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio. However, no territory shall be detached there from nor shall the City be annexed to any other municipality thereto without the consent of Council and not without a majority of electors voting on such question at a regularly scheduled election.

## **ARTICLE II CORPORATE POWERS**

### **SECTION 2.01**      POWERS GRANTED; EXERCISE OF POWERS; CONSTRUCTION OF POWERS.

The City of Parma shall have all powers that now are, or hereafter may be, granted to municipalities by the Constitution and laws of Ohio. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such a manner as shall be provided by ordinance or resolution of the Council; and, when not prescribed by the Charter or determined by ordinance or resolution of the Council, then in such manner as may now, or hereafter may be, prescribed by the general laws of Ohio.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City shall have, and may

exercise all other power which, under the Constitution and laws of Ohio, it would be competent for this Charter specifically to enumerate.

## **SECTION 2.02** FINANCES.

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the Municipality shall be applicable to this City, except as modified by, or necessarily inconsistent with, the provisions of this Charter, and except when provision therefor is made in the Constitution of the State of Ohio.

## **SECTION 2.03** TAXATION

(a) In addition to taxes that may be levied by the City pursuant to and subject to limitations provided in the Ohio Constitution and the general laws of Ohio, Council may annually levy taxes on real and personal property in an amount not to exceed three (3) mills on the taxable value of real and personal property for the purpose of providing for the operation of the City's police, fire and ambulance services.

(b) The additional three (3) mills that may be levied pursuant to Division (A) of this Section shall be placed upon all real and personal property listed and assessed for taxation upon the tax lists and duplicates beginning with the year 2005 and first due in calendar year 2006, and each year thereafter. Upon said additional three (3) mills being placed upon the tax lists and duplicates in 2005, such millage shall replace both the existing City of Parma's one and one-half (1.5) mills Fire Levy, last renewed by the voters on May 6, 2003, and the prospective renewal of the City of Parma's one and one-half (1.5) mills Police Levy, if approved by the voters on November 2, 2004, with each such voted levy being terminated and removed from the tax lists and duplicates in 2005.

(c) Nothing in this Charter shall operate as a limitation upon the power of Council to levy additional taxes upon such other subjects or for any lawful purposes and in such manner as may be permitted under the Constitution and laws of Ohio.

## **ARTICLE III** **COUNCIL**

### **SECTION 3.01** COMPOSITION AND TERM.

The Parma City Council shall consist of nine (9) members. One (1) member shall be elected from each of seven (7) wards in the City and two (2) members shall be elected at-large. The terms of the ward Council members shall begin the first day of January next following their election. The terms of each of the two (2) at-large Council members shall begin on two (2) distinct days

being the first day of January and the second day of January next following their election. The term of office for every Council member shall be two (2) years.

### **SECTION 3.02**      QUALIFICATIONS OF OFFICE.

All members of Council shall be qualified electors at the time of their election. They shall have been residents of the City for at least one (1) year immediately prior to the primary election and shall continue to be the same during their terms of office. Furthermore, any ward Council member shall have been a resident of the ward from where they were elected for at least one (1) year immediately prior to the primary election and shall continue to be the same during their term of office.

### **SECTION 3.03**      WARD BOUNDARIES.

The seven (7) ward boundaries of the City shall be as described in Exhibit "A" as attached to the Charter, and incorporated by reference herein, and shall remain in effect until subsequently amended. Within one (1) year of the completion of each decennial federal census, Council shall adopt an ordinance re-subdividing the City into seven (7) wards as nearly equal in population as practicable. All wards shall be bounded as far as practicable by streets, alleys, avenues, railways, public grounds, watercourses, existing lots, and municipal corporation lines. In the interim between federal census dates, Council may, at any time, review the population of the wards of the City and, should it deem it necessary to change the wards boundaries to insure representation equal to population, Council may adopt an ordinance changing the ward boundaries.

### **SECTION 3.04**      POWERS, MEETINGS AND RULES.

All legislative powers of the City shall be vested in, and exercised by, Council. The laws of Ohio applicable to cities having the general statutory plan of government shall control Council with respect to its meetings, rules, procedures, and functions except as otherwise provided in this Charter.

### **SECTION 3.05**      ORGANIZATION AND MEETINGS.

Within ten (10) days after taking office, but no sooner than January 2<sup>nd</sup> of any year, Council shall meet for the purpose of organization. At such meeting, Council shall elect one (1) of its members to serve as its President and another as its President Pro-Tem, who shall preside at the meetings of Council in the event of the absence of the President.

Council shall hold at least two (2) regular meetings in each calendar month. A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn the meeting from time-to-time and compel the attendance of absent

members in such manner and under such penalties as may be prescribed by ordinance or resolution. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action taken, by the affirmative votes of five (5) members of Council unless a larger or smaller number be required by the provisions of this Charter or by the laws of Ohio. The Clerk of Council shall keep a record of its proceedings in a journal in which the ye or nay vote of each Council member voting on an ordinance or resolution shall be recorded.

### **SECTION 3.06**      CLERKS.

Council may, by ordinance, provide for the appointment by its members of a Clerk, fix the terms and conditions of the office for such Clerk and compensation and qualifications therefor. The Clerk of Council shall keep the record of Council, and shall authenticate all records, documents and instruments of the City on which authentication is proper. Council may employ any other employees it may deem necessary for the proper discharge of its duties. Any person employed by Council shall serve at the pleasure of Council. All notices or other communications to Council shall be presented to the Clerk of Council.

### **SECTION 3.07**      REMOVAL.

Council shall be the judge of the election and qualifications of its own members. Council may remove any member for gross misconduct, or malfeasance in or disqualification from office, or for conviction of a crime involving moral turpitude, or any felony, or if declared legally incompetent, or for violation of this Charter, or persistent failure to abide by the rules of Council. Such removal shall not take place without the concurrence of at least three-fourths ( $\frac{3}{4}$ ) of all remaining members of Council nor until the accused member shall have been notified of the charge asserted and given an opportunity to be heard. The accused member shall not vote on the question of removal.

### **SECTION 3.08**      CONFIRMATION OF MAYORAL APPOINTMENTS.

Prior to any appointment being made, the Mayor shall provide Council with written notice of intent to appoint any named individual to any of the following positions within the City:

- a)      Safety Director;
- b)      Service Director;
- c)      Finance Director;
- d)      Any Board or Commission Member; or
- e)      Any other position that Council may designate by ordinance.

No later than fourteen (14) days following receipt of such notice, Council shall vote to confirm or reject said appointment. Unless two-thirds ( $\frac{2}{3}$ ) of Council rejects the Mayoral selection, the Mayor may make such appointment. Should

Council action on the issue of confirmation result in rejection, the Mayor shall not make the prospective appointment. In the event Council fails to act within such time frame, the Mayor may make such appointment as if it had been confirmed by Council.

#### **SECTION 3.09**      PERFORMANCE AUDIT OR REVIEW

Council shall, on or before December 31, 2011, and every ten (10) years thereafter, complete a city-wide performance audit or review as set forth below.

Council may, at any time, authorize by ordinance a performance audit or review of any or all departments, boards, commissions or any other component of the City's government and operations.

It is within the discretion of Council to determine the overall scope and maximum cost to the taxpayers of conducting such audit or review. Council shall solicit requests for proposals from qualified contractors/consultants who are competent to perform such activities and shall select and contract with the individual, firm, or organization which Council deems best meets its needs in performing such audit or review.

### **ARTICLE IV** **THE MAYOR**

#### **SECTION 4.01**      TERM.

The Mayor shall be next elected at the regular municipal election in the year 2007, and every fourth year thereafter, for a term of four (4) years. The term of the Mayor shall commence, and the Mayor shall assume office, on the first day of January following such election and shall serve out the term or until such time as a successor is elected, qualified and sworn into office.

#### **SECTION 4.02**      QUALIFICATIONS.

The Mayor shall be a qualified elector at the time of the Mayoral election and the Mayor shall have been a resident of this City for a least three (3) years immediately prior to the date of the Mayoral election, and shall continue to be a qualified elector and a resident therein during the term of office. The Mayor shall have attained the age of twenty-five (25) years on or before the date of the Mayoral election. The Mayor shall not serve as Director of Finance.

#### **SECTION 4.03**      REMOVAL.

If at any time the Mayor shall cease to possess any of the qualifications for such office or shall be convicted of a felony or other crime involving moral turpitude or shall be declared legally incompetent, the Mayor shall forthwith forfeit the office.

#### **SECTION 4.04** VACANCY AND ABSENCE IN OFFICE OF MAYOR.

(a) Temporary Absence.

When the Mayor is absent or inaccessible or is unable for any cause or reason to perform the duties of office, the Director of Law shall become Acting Mayor with all the powers and duties of the Mayor, but the Law Director shall not thereby cease to be Director of Law. If the Director of Law is unable to assume the duties of Acting Mayor, then the Service Director shall become the Acting Mayor with all the powers and duties of the Mayor.

(b) Vacancy.

In the event the office of Mayor becomes vacant for any cause or reason, the Director of Law shall become Acting Mayor until such time as the office of Mayor is filled according to law.

#### **SECTION 4.05** DUTIES AND POWERS OF THE MAYOR.

(a) Executive Powers.

The Mayor shall be the chief executive officer of the City. The Mayor shall:

- (1) Supervise the administration of the affairs of the City;
- (2) Exercise control over all departments and divisions except those reserved by this Charter to the Director of Law or Council and their officers and employees;
- (3) Be the chief conservator of the peace within the City;
- (4) Enforce all laws, ordinances, and resolutions;
- (5) Recommend to Council such measures as the Mayor may deem necessary or expedient;
- (6) See that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed;
- (7) Prepare and submit to Council such reports as may be required by that body;
- (8) Prepare and deliver a State of the City speech annually within thirty (30) days of Council approval of the annual appropriation budget, except said speech shall be prior to July 1<sup>st</sup> for the first year of the first term of the Mayor;
- (9) Act as the official and ceremonial head of City government;
- (10) Award and execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party;
- (11) Submit to Council and place on file in the office of the Clerk of Council for public inspection a complete report on the finances and activities of the City as of the end of each fiscal year;

- (12) Keep Council fully advised as to the financial condition and future of the City and make such recommendations to Council concerning the affairs of the City as the Mayor deems desirable; and
- (13) Perform such duties as are conferred or required by this Charter, by any ordinance or resolution of Council or by the laws of the State.

Subject to provision of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any officer or employee of the City.

(b) Legislative Powers and Veto.

The Mayor shall attend Council meetings but shall not vote therein. The Mayor shall not introduce any legislation; however, the Mayor may take part in any discussion of all matters coming before Council.

Every ordinance passed or resolution adopted shall be signed by the President of Council or other presiding officer and shall be presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council; but, if the Mayor does not approve it, the Mayor shall veto it and provide written objections which shall be delivered to the Clerk of Council within said ten (10) days of passage or adoption. The veto and objection by the Mayor shall be read at the next Council meeting and be entered in full on the Journal of Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the approval or disapproval of the Mayor shall be addressed to the entire ordinance or resolution. If the Mayor does not return an ordinance or resolution within the time limited in this Section, it shall take effect in the same manner as if the Mayor had signed it. When the Mayor vetoes an ordinance or resolution, or any part thereof, and returns it to Council with objections, Council may, not later than thirty-five (35) days thereafter, reconsider it and, if such ordinance, resolution or item, upon such reconsideration is approved by the vote of at least two-thirds ( $\frac{2}{3}$ ) of all members of Council, it shall take effect at the time of the vote of approval or at such later time as may be specified in such ordinance, resolution or item.

## **ARTICLE V**

### **ADMINISTRATIVE DEPARTMENTS**

#### **SECTION 5.01**      GENERAL PROVISIONS.

There are hereby created and established a Department of Law, a Department of Finance, a Department of Public Safety, and a Department of Public Service. Council shall by ordinance provide for the organization thereof, and may provide by ordinance for the establishment and organization of other departments or divisions thereof, and may provide for the abolishment or combination of any department or division not created expressly by this Charter.

Each department shall be administered by a director who, with the exception of the Director of Law, shall be appointed by and serve at the discretion of the Mayor. Except for the Department of Law and the Department of Finance, the same person may be the director of more than one department. Each director shall administer their department in accordance with this Charter, ordinances or resolutions enacted by Council and rules and regulations made by the Mayor pursuant thereto. Each director shall also, subject to applicable civil service regulations, appoint and remove heads of divisions, and officers and employees within their department.

## **SECTION 5.02**      DEPARTMENT OF LAW.

### (a)    Election, Qualifications, and Term.

The Department of Law shall be administered by a Director of Law. The Director of Law shall be a qualified elector at the time of election, duly admitted to practice law in the State of Ohio, in good standing, for a minimum of six (6) years prior to the date of election or appointment, shall have been a resident of the City for at least two (2) years immediately preceding election or appointment and shall continue to be a resident of the City during the term of office. Said Director shall next be elected at the regular municipal election in the year 2007, and every fourth year thereafter, for a term of four (4) years. The term shall commence and the Director of Law shall assume office on the first day of January following the election and shall serve out the Director of Law's term or until such time as a successor is elected, qualified and sworn into office. If at any time the Director of Law shall cease to possess any of the qualifications for such office, shall be convicted of a felony or other crime involving moral turpitude or shall be declared legally incompetent, the Director of Law shall forthwith forfeit the office. In the event the office of Director of Law becomes vacant, the Mayor shall appoint a successor who shall have the qualifications set forth in this Section and who shall serve for the unexpired term and until a successor is elected and qualified.

### (b)    Duties.

The Director of Law shall serve the Mayor, the Council, the administrative officers and departments, the commissions and boards of the City as legal counsel; represent the City in all its proceedings in Court or before any administrative body; perform all duties now or hereafter imposed on directors of law by the general laws of Ohio; and perform such other duties consistent with the office as the Council or the Mayor may impose upon the Director of Law. The Director of Law shall appoint and remove all assistant attorneys, prosecutors and staff within the department. The Director of Law and the appointed assistant attorneys and prosecutors shall act as the prosecuting attorneys for the City.

### **SECTION 5.03**      DEPARTMENT OF FINANCE.

(a)    Qualifications.

The Department of Finance shall be administered by a Director of Finance. The Director of Finance shall:

(1) have a Bachelor Degree with a major in Finance, Accounting, Public Administration, Business Administration or other equivalent field of study, and shall have not less than five (5) years finance, business or accounting experience, with at least two (2) of such years working in governmental finance, business or accounting; or

(2) be a certified public accountant.

(b)    Duties.

The Director of Finance shall be fiscal officer of the City. The Director of Finance shall advise the Mayor and the Council concerning the financial condition of the City. The Director of Finance shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless the Director of Finance shall find that the claim is in proper form, correctly computed and duly approved, that it is due and payable, and that an appropriation has been made therefor. The Director of Finance shall keep and supervise all accounts and shall have custody of all monies of the City. The Director of Finance shall collect special assessments and control the payment of public debt of the City. The Director of Finance shall perform all other duties now or thereafter imposed on city auditors or treasurers by the general laws of Ohio which are consistent with the office of the Director of Finance.

### **SECTION 5.04**      DEPARTMENT OF PUBLIC SAFETY.

The Director of Public Safety shall have charge of the Department of Public Safety, and shall make all necessary rules and regulations for the government of the Department and Divisions thereof. The Department shall include, but not be limited to, a Division of Police and a Division of Fire. The Director of Public Safety shall be the executive head of the Police and Fire Divisions and such other Divisions which may be established by Council. The Director of Public Safety shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department and Divisions thereof. The Director of Public Safety shall be charged with the duty of enforcing all police, health, safety and sanitary regulations that may be prescribed by ordinance, resolution, or rules of the City or, when applicable, the general laws of the State.

The Division of Police shall consist of a Chief of Police and such other officers, patrolmen, and personnel as the City determines appropriate. The Division of Fire shall consist of a Chief of the Fire Division, Assistant Chief of Fire and such other officers, firefighters and personnel as the City determines appropriate.

**SECTION 5.05** DEPARTMENT OF PUBLIC SERVICE.

The Director of Public Service shall have charge of the Department of Public Service and shall make all necessary rules and regulations for the government of the Department and the Divisions thereof. The Director of Public Service shall manage and supervise all engineering, construction, inspection, maintenance, repair and cleaning of all public improvements, buildings and properties.

**ARTICLE VI**  
**CIVIL SERVICE**

**SECTION 6.01** CIVIL SERVICE; EXCEPTIONS.

Except as provided in this Article of the Charter, all original appointments and all promotions in the classified Civil Service of the City shall be made according to merit and fitness, to be ascertained, as far as practicable by competitive examination; and in the absence of a specific provision to the contrary in either this Charter, Ordinances or Resolutions of Council, or the Rules of the Parma Civil Service Commission, the general statutory laws of Ohio pertaining to Civil Service on the first day of January, 2006, as amended from time-to-time by the General Assembly, shall be enforced.

**SECTION 6.02** ORGANIZATION.

The Civil Service Commission shall consist of three (3) members who are residents of the City and who shall be appointed by the Mayor subject to the confirmation of Council. Commission members shall be appointed for terms of six (6) years, and each term shall be so arranged that the term of one (1) member shall expire every two (2) years. Members shall hold no other office, appointment or employment in the government of the City or with the Parma City School District. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for any original appointment. Council shall determine the manner and method of compensation to be provided to the members.

**SECTION 6.03** CHIEFS OF SAFETY FORCES.

The Chief of Police, Chief of the Fire Division, and Assistant Chief of Fire shall be appointed as described herein. A Civil Service promotional examination shall be given for each of these positions and a promotional list established in accordance with all rules, regulations, ordinances and laws applicable to such examinations. Upon the occurrence of a vacancy in the office of Chief of Police, Chief of the Fire Division, or Assistant Chief of Fire, the Safety Director shall request the Civil Service Commission to certify and forward the names of the top three (3) candidates on the promotional list for the vacant position. Upon receipt

of such names, the Safety Director shall arrange for these three (3) candidates to attend an assessment center designed to measure the fitness and ability of each candidate to serve in the vacant position. Following receipt of the results of the assessment center by the Safety Director, the candidates shall be interviewed separately by the Promotion Board. In the event the vacant position is the Assistant Chief of Fire, the Promotion Board shall consist of the Mayor, Safety Director and Chief of the Fire Division. In the event the vacant position is the Chief of Police or Chief of the Fire Division, the Promotion Board shall consist of the Mayor, Safety Director and one Chief of Police or Fire, as appropriate, from an Ohio city with a population of thirty-five thousand (35,000) or more. The Promotion Board shall evaluate the candidates based on the interview, assessment center results, and examination scores, and select the individual it deems most qualified for the position. The Promotion Board is not a public body for purposes of the Ohio Open Meetings Act and its meetings may be held in private.

## **ARTICLE VII**

### **BOARDS AND COMMISSIONS**

#### **SECTION 7.01**      GENERAL PROVISIONS.

There are hereby established the boards and commissions provided for in subsequent sections of this Article. Council may, subject to this Section, create other boards and commissions and assign to them such duties and powers as are not assigned elsewhere in this Charter. Members and alternates of boards and commissions, unless otherwise provided in this Charter, shall be appointed by the Mayor. There shall be no more than two (2) alternates appointed to each board or commission and no alternate shall replace a regular member of a board or commission except upon the absence or request of the regular member. The qualifications of an alternate shall be the same as those of a member of the board or commission to which such alternate is appointed. An alternate shall serve the same term as does a member of the board or commission to which such alternate is appointed. Members and alternates shall serve until their successors are appointed and qualified, except that they may be removed by the appointing authority for excessive absenteeism, gross misconduct, malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude. Members shall hold no other office, appointment or employment in the government of the City unless specifically stated otherwise in this Charter. A vacancy occurring during the term of any member or alternate shall be filled for the unexpired term in the manner authorized for any original appointment.

Boards and commissions shall elect such officers and adopt such rules of procedure as are necessary to carry out their duties; however, the rules of any five (5) member board or commission, whether created by this Charter or by action of Council, shall require that at least four (4) voting members of such board or commission shall constitute a quorum to do business and, further, that

any formal action thereof shall require the concurring vote of at least three (3) voting members of said board or commission.

Boards and commissions shall keep minutes of their proceedings showing the members present and the vote of each member present upon every question, and shall keep records of all official actions. Every order, requirement, decision or determination of a board or commission shall promptly be filed in such office in City Hall as shall be designated by Council, where it shall be maintained as public record. Council shall appropriate sufficient sums each year to permit boards and commissions to carry out their duties and powers.

Boards and commissions provided for in subsequent sections of this Article shall perform and shall have such additional duties and powers as may be provided by ordinance or resolution of Council.

The appropriate departments of the City shall provide to the boards and commissions the necessary technical services and advice available in said departments as any board may request, through its chairman or secretary, in writing.

Council shall determine the manner and method of compensation, if any, to be provided to any member of a board or commission. Council shall also determine an appropriate manner and method of compensation, if any, for any alternates who actively serve at a meeting of such board or commission.

## **SECTION 7.02** BOARD OF ZONING APPEALS.

### **(a) Organization.**

The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City and who shall be appointed by the Mayor subject to the confirmation of Council. Except for the initial appointment to this Board, board members shall be appointed for terms of four (4) years and such terms shall be arranged so that on a four (4) year cycle the term of two members shall expire each year during the first three (3) years and the term of one member shall expire on the fourth year. At the initial appointment to this Board, two members shall be appointed for a term of one (1) year, two for a term of two (2) years, two for a term of three (3) years, and the seventh member for a full term of four (4) years. It is required that at least four (4) voting members of the Board be present to constitute a quorum to do business and, further, that any formal action thereof shall require the concurring vote of at least four (4) voting members of the Board. The members shall be compensated for their attendance at meetings in an amount determined by Council which is not more than that provided to members of the Civil Service Commission.

(b) Powers and Duties.

The Board of Zoning Appeals shall:

- (1) Hear and determine appeals concerning the interpretation or administration of the City's Zoning Code by any person adversely affected by any decision made by the Building and Zoning Commissioner in enforcing the Zoning Code;
- (2) Hear and determine all requests for variances from the strict terms of the City's Zoning Code in such manner as is established by Council and shall possess such other powers and duties as are now or hereafter may be conferred upon it by the laws of Ohio or by ordinance or resolution of Council.

(c) Appeals.

Any determination of the Board of Zoning Appeals shall be final and not subject to confirmation, modification or rejection by Council. Appeals from such final determination of the Board before a Court of competent jurisdiction shall be made in accordance with the administrative appeals process as established by the laws of Ohio and by ordinance or resolution of Council. Council may, by majority vote, authorize an appeal on behalf of the City of any final determination of the Board pursuant to the established procedures for an administrative appeal.

**SECTION 7.03** PLANNING COMMISSION.

(a) Organization.

The Planning Commission shall consist of five (5) members which shall include the Mayor, the Director of Public Service, and three (3) members who are residents of the City and who shall be appointed by the Mayor subject to the confirmation of Council. The three (3) resident members shall be appointed for six (6) years and their terms so arranged so that the term of one (1) member shall expire every two (2) years. The three (3) resident members shall be compensated for their service in an amount determined by Council which is not less than that provided to members of the Civil Service Commission.

(b) Powers and Duties.

The Planning Commission shall conduct studies and surveys, prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation and renewal of the City; and make such recommendations relative thereto to the Council as it feels are in the best interests of the City.

The City Planning Commission shall have such powers as may be conferred on it by ordinance or resolution of Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places; the approval of plats for the subdivision of land; the zoning of the City for

any lawful purpose and such other powers as are now or hereafter may be conferred upon it by ordinance or resolution of Council or the general laws of Ohio.

#### **SECTION 7.04**      ARCHITECTURAL REVIEW BOARD.

(a)    Administrator.

The Architectural Review Board shall consist of five (5) members whose membership shall include one (1) registered architect, one (1) landscape architect, one (1) person skilled in the general field of aesthetics and design, and two (2) persons who are residents of the City. All members shall be appointed by the Mayor subject to the confirmation of Council. Except for the initial appointment to this Board, board members shall be appointed for terms of five (5) years and such terms shall be so arranged that the term of one member shall expire each year. At the initial appointment to this Board, one member shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and the fifth member for a full term of five (5) years. The members shall be compensated for their attendance at meetings in an amount determined by Council which is not more than that provided to members of the Civil Service Commission.

(b)    Powers and Duties.

The Architectural Review Board shall:

- (1) Assist and advise the Planning Commission on the design, amenities, quality, relationships to natural features, and other aspects of building and site development plans which relate to the appearance of an entire multi-family, institutional, business, commercial or industrial project, all of its parts and its surroundings. Council shall enact ordinances which establish the manner and method by which the Board shall perform its duties in assisting and advising the Planning Commission;
- (2) Serve as the "Design Review Board" in connection with all local ordinances and regulations governing historic preservation districts and specific historic properties within the City; and
- (3) Perform such other functions as may be conferred on it by ordinance or resolution of Council.

#### **SECTION 7.05**      BOARD OF ETHICS.

(a)    Organization.

Council shall by ordinance, on or before January 1, 2006, establish an independent Board of Ethics to administer and enforce the conflict of interest and financial disclosure ordinances. The Board shall consist of five (5) members who are residents of the City and who shall be appointed by the Mayor, subject to the confirmation of Council. Except for the initial appointment to this Board, board members shall be appointed for terms of five (5) years and each member's term

shall be so arranged that the term of one member shall expire each year. At the initial appointment to this Board, one member shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and the fifth member for a full term of five (5) years. The members shall be compensated for their attendance at meetings in an amount determined by Council which is not more than that provided to members of the Civil Service Commission. No member of the board may hold elective or appointed office under the City or any other government or hold any political party office.

(b) Powers and Duties.

Insofar as possible under State law, the City Council shall authorize the Board to issue binding advisory opinions, conduct investigations on its own initiative and, on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases to prosecution, impose administrative fines and to hire independent counsel. Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it and to provide annual training and education of city officials and employees, including candidates for public office, regarding the Code of Ethics.

(c) Conflicts of Interest.

The use of public office for private gain is prohibited. Council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interest. The ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with the major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under State law, shall provide for fines and imprisonment for violations.

## **ARTICLE VIII**

### **NOMINATION AND ELECTIONS**

#### **SECTION 8.01**      MUNICIPAL ELECTIONS.

A general municipal election for the purpose of the election of offices provided for in this Charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this Charter.

#### **SECTION 8.02**      PRIMARY ELECTION.

Except as hereinafter provided in Section 8.04, primary elections shall be held for the purpose of nominating persons as candidates of political parties for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election. Such primary elections shall be held on the first Tuesday after the first Monday in May in odd numbered years.

**SECTION 8.03**        DECLARATION OF CANDIDACY.

Each person desiring to become a candidate for a party nomination to a municipal office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the seventy-fifth (75<sup>th</sup>) day before the day of the primary election provided for in Section 8.02, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors of the same political party as the candidate, not less than twenty-five (25) for ward Council; one hundred (100) for Council-at-large, the Mayor and the Director of Law.

**SECTION 8.04**        NOMINATIONS OF PARTY CANDIDATES WITH AND WITHOUT PRIMARY ELECTION.

(a) Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot by filing a declaration of candidacy and nominating petition with the Board of Elections of Cuyahoga County, Ohio, and paying the required filing fee.

(b) Candidates for party nominations to each respective office receiving the highest number of votes cast for candidates for nomination to such office by the electors of their political party at the primary election shall, subject to the exceptions hereinafter provided for in subsection (c) or (d) of this Section, be declared nominated and their names as candidates for such office, together with their party designation, shall be printed on the official ballots at the next succeeding regular municipal election.

(c) In the event that more than two (2) persons file as candidates for the same office for nomination of the same political party, and no candidates of any other political party and no independent candidates file for nomination to such office be it Mayor, Director of Law, or Council member, then the two (2) candidates receiving the highest number of votes cast for candidates for nominations to such office in the primary election shall be declared nominated and their names, together with their party designation, shall be printed on the official ballots as hereinabove provided.

(d) If only two (2) candidates of the same political party file declarations of candidacy and nominating petitions for the same office for nomination as candidates of one political party, and no candidates of any other political party and no independents file for nomination to said office be it Mayor, Director of

Law, or Council member, the primary election for such office shall not be held and the persons filing a declaration of candidacy for such office shall be declared nominated and their names, together with their party designation, printed on the official ballots at the next succeeding regular municipal election.

**SECTION 8.05**      MILITARY SERVICE OR OTHER PUBLIC EMPLOYMENT.

At the time of the election of the Mayor, Director of Law, or any Council member, and throughout their respective terms, such elected official shall not serve with the active or reserve military of the United States or the Ohio National Guard, nor shall such elected official hold any other compensated public office or public employment with the City of Parma.

**SECTION 8.06**      INDEPENDENT CANDIDATES.

Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the seventy-fifth (75<sup>th</sup>) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominee. The petition for offices of Council-at-large, the Mayor and the Director of Law shall require signatures of not less than one hundred (100) electors. The petition for office of ward Council shall require signatures of not less than twenty-five (25) electors. Names of independent candidates will not appear on the primary ballot but will appear on the ballot of the next regular municipal election.

**SECTION 8.07**      GENERAL PROVISION.

Except as otherwise provided in this Chapter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of Ohio and by the election authorities therein provided for.

**SECTION 8.08**      RECALL.

(a)    Recall Procedure.

The electors shall have the power to remove from office by a recall election only the Mayor, Director of Law, or any elected official with a term of four (4) years or more. No recall petition shall be filed against any of those elected officials within six (6) months after the official takes office, nor, in case of an official subjected to a recall election and not removed, until at least six (6) months after the date of such recall election. A petition demanding the removal of any of these elected officials shall be filed with the Clerk of Council who shall note thereon the name and address of the elector of the City filing the petition and the date of such filing. Such petition, circulated by an elector of the City, shall be signed by at least twenty-five percent (25%) of the total number of qualified electors voting in the City's last general election. Within twenty (20) days after the

day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements herein. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed to resubmit to the Clerk an amended petition within twenty (20) days after the day on which the Clerk made delivery of the certificate. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to Council, shall deliver a copy of the certificate to the official whose removal is sought, and shall make a record of such delivery. If such official will not resign within fourteen (14) days after the day of delivery, the Council shall fix a day for holding a recall election not less than forty (40) days nor more than one hundred sixty (160) days after the date of delivery. At such recall election, the question on the ballot shall read: "Shall (name of official) be removed from the office of (naming the office) by recall." Immediately below such question there shall be printed on the ballots the two propositions in the order set for the: "Yes" or "No." If a two-thirds ( $\frac{2}{3}$ ) majority of the votes cast at such election are in favor of the recall, the official shall be deemed removed from office upon the certified election results of the Board of Elections; otherwise, the official shall remain in office. Upon the vacancy of an office resulting from a recall election, such vacancy shall be filled as provided in this Charter. The official removed by such recall election shall not be eligible for appointment to the vacancy created.

(b) Recall Petitions.

A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general law regulating initiative and referendum petitions shall apply to recall petitions in this municipality except as otherwise provided in this Charter.

**ARTICLE IX**  
**OPEN MEETINGS; OPEN RECORDS**

**SECTION 9.01**      MEETINGS OF PUBLIC BODIES TO BE OPEN.

All of the provisions of Section 121.22 of the Ohio Revised Code and any amendments or successor provisions thereof hereafter adopted by the Ohio General Assembly, relating to the requirements that the meetings of public bodies be open, are specifically incorporated and made a part of this Charter.

**SECTION 9.02**      OPEN RECORDS.

All elected officials and department heads shall maintain full compliance with the requirements of the Open Record Laws of the State of Ohio. Annually,

Council shall determine by ordinance or resolution the reasonable cost of copies of public records which may include, but not be limited to, the costs of paper, toner, copy machines, maintenance contracts, and the labor of city employees used in producing copies.

## **ARTICLE X**

### **AMENDMENT OF CHARTER**

#### **SECTION 10.01** CHARTER REVIEW.

Council shall arrange for an election of a Charter Review Commission, to be comprised of nine (9) electors of the City of Parma, commencing with the general election in 2009, and for subsequent elections every six (6) years thereafter. To be eligible for election to the Charter Review Commission, candidates must be electors of the City, hold no other office, appointment or employment in the government of the City of Parma, except on appointment or employment on advisory bodies of the City. Each candidate must also have been a resident of the City for at least one (1) year prior to such election.

The Council shall be obligated to submit to the electors not later than the next succeeding general election all such proposed alterations, revisions or amendments as submitted by the Commission. The members appointed to said Commission shall serve without compensation. Council shall appropriate sufficient sums to enable such Commission to perform its duties and to pay all reasonable expenses thereof. Meetings of the Charter Review Commission shall be open to the public. A vacancy occurring during the term of any member of the Charter Review Commission may be filled for the unexpired term by appointment of an elector by the Mayor with the confirmation of Council.

#### **SECTION 10.02** AMENDMENTS.

Council may, by the affirmative vote of at least seven (7) of its members, submit to the electors of the City of Parma, amendments to this Charter, and, upon petitions signed by ten percent (10%) of the registered electors of this City, setting forth any proposed amendment, such proposed amendment shall be so submitted by Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two (2) or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, but not less than a majority, shall become a part of this Charter.

## **ARTICLE XI**

### **GENERAL INTENT**

#### **SECTION 11.01**      DEFINITIONS, VOTE AND EMPLOYMENT

- (a) As used in this Charter, unless the context otherwise requires:
- (1) Words in the present tense include the future tense; and
  - (2) Words in the masculine gender include the feminine and neuter genders.
- (b) Each action taken by Council or any Board or Commission of the City shall be authorized by a vote of at least a majority of all those elected or appointed thereto, respectively, unless a greater or lesser vote of its members is required by this Charter, ordinances or resolutions of the City or the general laws of Ohio. In the event of a conflict, with respect to the number of votes required, among the provisions of this Charter, the City's ordinances and resolutions and the general laws of Ohio, the provisions of the Charter shall prevail over conflicting provisions of such ordinances, resolutions and laws, and the provisions of such ordinances and resolutions shall prevail over conflicting provisions of such laws, unless otherwise required by this Charter.
- (c) Every employee of the City, on the effective date of this Charter, shall continue in such employment subject, in all respects, to the provisions of this Charter and ordinances, resolutions, rules, regulations, or laws enacted or promulgated pursuant to this Charter.
- (d) The persons holding the elected offices of Mayor, Law Director, Treasurer, President of Council and Council member at the time this Charter is approved by the electors on November 2, 2004 shall continue to serve in their respective offices for the remainder of their unexpired term of office. The person holding the elected City Auditor's term of office shall continue in office until such time as an appointment is made for the Director of Finance with said appointment not occurring prior to January 1, 2006. Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties unless other provisions have been made in accordance with this Charter, for the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any office shall be abolished and the term of any such officer shall end. The powers conferred, and the duties imposed upon any office, body, commission, board, department, or division of the City under the laws of Ohio or any municipal ordinance, resolution or contract in force at the time this Charter takes effect, if the office, body, commission, board, department, or division is abolished by this Charter, shall thereafter be exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

## **ARTICLE XII**

### **INITIATIVE AND REFERENDUM**

#### **SECTION 12.01**      INITIATIVE.

The electors of this municipality shall have the power to propose by initiative petition ordinances and resolutions providing for the exercise of powers granted by the Constitution of Ohio and the general laws of Ohio to municipalities. The exercise of said power of initiative shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

#### **SECTION 12.02**      REFERENDUM.

The electors of this municipality shall have the power to approve or reject at the polls any ordinance or resolution passed by Council, except as otherwise provided by the laws of Ohio. The exercise of said power of referendum shall be in accordance with the provisions of the Constitution and general laws of Ohio now or hereafter in effect.

## **ARTICLE XIII**

### **GENERAL PROVISIONS**

#### **SECTION 13.01**      SUCCESSION.

The City of Parma, under this Charter, is hereby declared to be the legal successor of the City of Parma under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The City shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the City, prior to the effective date of this Charter, shall continue in full force and effect.

#### **SECTION 13.02**      EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

(a) The adoption of this Charter shall not affect any preexisting rights of the City nor any right, liability, pending suit or prosecution, either on behalf of, or against: the City or any officer or employee thereof; any franchise granted by the City; or pending proceedings for the authorization of public improvements or the levy of assessments thereon. Except as a contrary intent appears in this Charter, all acts of Council, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(b) No action or proceeding pending against the City or any officer or employee thereof shall be abated or affected by the adoption of this Charter. All

actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

**SECTION 13.03** EFFECT OF PARTIAL INVALIDITY.

A determination that all, or any part of any Article, section or division of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

**SECTION 13.04** EFFECTIVE DATE OF CHARTER.

This Charter shall be submitted to the electors of the City at an election to be held on November 2, 2004. If approved by a majority of those voting, the Charter shall take effect January 1, 2006, except as otherwise specifically provided for in this Charter. For the purpose of electing persons to the offices of Council for terms commencing on January 1, 2006, Article VIII of this Charter relative to nomination and election and the subdivision of the City into seven (7) wards, as provided for under this Charter, shall take effect from and after January 1, 2005.

# PARMA'S 7 WARD PLAN

## LEGAL DESCRIPTION WARD 1

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward One, as bounded and described as follows:***

Starting at the Point of Beginning known as the westerly corporation line of Parma on West 130th Street at the center line of Huffman Road;  
Thence northerly beginning along the center line of West 130th Street and continuing along the westerly corporation line of Parma to the center line of Brookpark Road also known as the northerly corporation line of Parma;  
Thence easterly along the center line of Brookpark Road to the center line of W. 60th Street;  
Thence southerly along the center line of W. 60th Street to the center line of Theota Avenue;  
Thence westerly along the center line of Theota Avenue to the center line of Ridge Road;  
Thence southerly along the center line of Ridge Road to the center line of Snow Road;  
Thence westerly along the center line of Snow Road to the center line of W. 79th. Street;  
Thence southerly along the center line of W. 79th Street to the center line of Dorothy Avenue;  
Thence easterly along the center line of Dorothy Avenue to the center line of W. 78th Street;  
Thence southerly along the center line of W. 78th Street to the center line of Dartworth Drive;  
Thence westerly along the center line of Dartworth Drive to the center line of Chestnut Hills Drive;  
Thence south-easterly along the center line of Chestnut Hills Drive to the center line of Thornton Drive;  
Thence westerly along the center line of Thornton Drive to the center line of Westminster Drive;  
Thence southerly along the center line of Westminster Drive to the center line of Whittington Drive;  
Thence westerly along the center line of Whittington Drive to the western corporation line of Parma;  
Thence northerly along the western corporation line of Parma Heights to the center line of Snow Road;  
Thence westerly along the center line of Snow Road to the center line of Stumph Road  
Thence beginning southerly along the center line of Stumph Road and continuing southerly along the western corporation line of Parma to a point in line of an extended center line of Huffman Road south of East Huffman Road;  
Thence westerly along the center line of Huffman Road to the center line of the intersection of W. 130th. Street, the western corporation line of Parma, and the Point of Beginning of this described Ward One.

## LEGAL DESCRIPTION WARD 2

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward Two, as bounded and described as follows:***

Starting at the Point of Beginning known as the western corporation line of Parma at the center line of Whittington Drive;  
Thence easterly along the center line of Whittington Drive to the center line of Westminster Drive;  
Thence northerly along the center line of Westminster Drive to the center line of Thornton Drive;  
Thence easterly along the center line of Thornton Drive to the center line of Chestnut Hills Drive;  
Thence northerly along the center line of Chestnut Hills Drive to the center line of Dartworth Drive;  
Thence easterly along the center line of Dartworth Drive to the center line of Morningside Drive;  
Thence easterly along the center line of Morningside Drive to the center line of W. 54th. Street;  
Thence southerly along the center line of W. 54th. Street to the center line of Ridgewood Drive, then continuing south-westerly along the center line of Regency Drive to the center line of Ridge Road;  
Thence southerly along the center line of Ridge Road to the center line of Selwick Drive;  
Thence westerly along the center line of Selwick Drive to the center line of Banner Lane;  
Thence south-westerly along the center line of Banner Lane to the center line of Fenway Drive;  
Thence westerly along the center line of Fenway Drive to the center line of Arcadia Drive;  
Thence northerly along the center line of Arcadia Drive to the center line of Ames Road;  
Thence continuing north-westerly along the center line of Ames Road to the western corporation line of Parma;  
Thence northerly beginning on Ames Road along the center line of the road and then continuing along the western corporation line of Parma to the apparent intersection of the center line of W. Ridgewood Drive;  
Thence easterly along the center line of W. Ridgewood Drive to the apparent intersection of the western corporation line of Parma;  
Thence northerly along the western corporation line of Parma to the center line of Whittington Drive, the Point of Beginning of this described Ward Two.

## LEGAL DESCRIPTION WARD 3

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward Three, as bounded and described as follows:***

Starting at the Point of Beginning known as the intersection of center line's of Brookpark Road, the northern corporation line of Parma and W. 60th Street;  
Thence southerly along the center line of W. 60th Street to the center line of Theota Avenue;  
Thence westerly along the center line of Theota Avenue to the center line of Ridge Road;  
Thence southerly along the center line of Ridge Road to the center line of Snow Road;  
Thence westerly along the center line of Snow Road to the center line of W. 79th. Street;  
Thence southerly along the center line of W. 79th Street to the center line of Dorothy Avenue;  
Thence easterly along the center line of Dorothy Avenue to the center line of W. 78th Street;  
Thence southerly along W. 78th Street to the center line of Dartworth Drive;  
Thence easterly along Dartworth Drive to the center line of Morningside Drive;  
Thence easterly along the center line of Morningside Drive to the center line of W.54th Street;  
Thence southerly along the center line of W. 54th Street to the center line of Redfern Road;  
Thence easterly along the center line of Redfern Road to the center line of State Road;  
Thence northerly along the center line of State Road to the center line of Brookpark Road also known as the northern corporation line of Parma;  
Thence westerly along the center line of Brookpark Road to the center line of W. 60th Street the Point of Beginning of this described Ward Three.

## LEGAL DESCRIPTION WARD 4

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and now known as Ward Four, as bounded and described as follows:***

Starting at the Point of Beginning known as the intersection of the center lines of Brookpark Road and State Road;  
Thence easterly along the center line of Brookpark Road also known as the northern corporation line of Parma, to the eastern corporation line of Parma;  
Thence southerly along the eastern corporation line of Parma to the center line of E. Ridgewood Drive;  
Thence westerly along the center line of E. Ridgewood Drive to the center line of Broadview Road;  
Thence north-westerly along the center line of Brookpark Road to the center line of Snow Road;  
Thence westerly along the center line of Snow Road to the center line of creek bed that is West Creek;  
Thence up stream the center line of West Creek's creek bed to the center line of Grantwood Drive;  
Thence westerly along the center line of Grantwood Drive to the center line of State Road;  
Thence northerly along the center line of State Road to the center line of Brookpark Road the northern corporation line of Parma, the Point of Beginning of this described Ward Four.

## LEGAL DESCRIPTION WARD 5

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward Five, as bounded and described as follows:***

Starting at the Point of Beginning known as the intersection of the center line's of Pleasant Valley Road and Broadview Road;  
Thence northerly beginning along the center line of Broadview Road then continuing along the eastern corporation line of Parma, to the center line of E. Ridgewood Drive;  
Thence westerly along the center line of E. Ridgewood Drive to the center line of Broadview Road;  
Thence north- westerly along the center line of Broadview Road to the center line of Snow Road;  
Thence westerly along the center line of Snow Road to the center line of the creek bed that is West Creek;  
Thence up stream, the center line of West Creek's creek bed to the center line of Grantwood Drive;  
Thence westerly along the center line of Grantwood Drive to the center line of State Road;  
Thence northerly along the center line of State Road to the center line of Redfern Road;  
Thence westerly along the center line of Redfern Road to the center line of W. 54th Street;  
Thence southerly along the center line of W. 54th Street to the center line of W. Ridgewood Drive, then continuing south-westerly along the center line of Regency Drive to the center line of Ridge Road;  
Thence southerly along the center line of Ridge Road to the center line of Sun Vista Drive;  
Thence easterly along the center line of Sun Vista Drive to the center line of Eventide Drive;  
Thence northerly along the center line of Eventide Drive, to the center line of Ely Vista Drive;  
Thence easterly along the center line of Ely Vista Drive to the center line of Antoinette Drive;  
  
Thence southerly along the center line of Antoinette Drive to the center line of Thoreau Drive;  
Thence easterly along the center line of Thoreau Drive to the center line of Mirabeau Drive;  
Thence southerly along the center line of Mirabeau Drive to the center line of Langerford Drive;  
Thence south-easterly along the center line of Langerford Drive to the center line of Sassafras Drive;  
Thence easterly along the center line of Sassafras Drive to the center line of State Road;  
Thence northerly along the center line of State Road to the center line of Park Drive;  
Thence easterly along the center line of Park Drive to the center line of Parkview Drive;  
Thence southerly along the center line of Parkview Drive to the center line of Dentzler Road;  
Thence easterly along the center line of Dentzler Road to the center line of Meadow Lane;  
Thence south-westerly along the center line of Meadow Lane to the center line of Pleasant Valley Road;  
Thence easterly along the center line of Pleasant Valley Road to the center line of Broadview Road, the Point of Beginning of this described Ward Five.

## LEGAL DESCRIPTION FOR WARD 6

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward Six, as bounded and described as follows:***

Starting at the Point of Beginning known as the intersection of Broadview Road, the easterly corporation line of Parma, and Sprague Road, the southerly corporation line of Parma;  
Thence northerly along the center line of Broadview Road to the center line of Pleasant Valley Road;  
Thence westerly along the center line of Pleasant Valley Road to the center line of Meadow Lane;  
Thence north-easterly along the center line of Meadow Lane to the center line of Dentzler Road;  
Thence westerly along the center line of Dentzler Road to the center line of Parkview Drive;  
Thence north-easterly along the center line of Parkview Drive to the center line of Park Drive;  
Thence westerly along the center line of Park Drive to the center line of State Road;  
Thence southerly along the center line of State Road to the center line of Sassafras Drive;  
Thence westerly along the center line of Sassafras Drive to the center line of Langerford Drive;  
Thence north-westerly along the center line of Langerford Drive to the center line of Mirabeau Drive;  
Thence northerly along the center line of Mirabeau Drive to the center line of Thoreau Drive;  
Thence northerly along the center line of Thoreau Drive to the center line of Antoinette Drive;  
Thence northerly along the center line of Antoinette Drive to the center line of Ely Vista Drive;  
Thence westerly along the center line of Ely Vista Drive to the center line of Eventide Drive;  
Thence southerly along the center line of Eventide Drive to the center line of Sun Vista Drive;  
Thence westerly along the center line of Sun Vista Drive to the center line of Ridge Road;  
Thence southerly along the center line of Ridge Road to the center line of Sprague Road, the southern corporation line of Parma;  
Thence easterly along the center line of Sprague Road to the center line of Broadview Road, the eastern corporation line of Parma, the Point of Beginning of this described Ward Six.

## LEGAL DESCRIPTION WARD 7

***Situated in the City of Parma, County of Cuyahoga and State of Ohio, and known as Ward Seven, as bounded and described as follows:***

Starting at the Point of Beginning known as the intersection of the center line's of W. 130th Street, the western corporation line of Parma, and Sprague Road, the southern corporation line of Parma.  
Thence easterly along the center line of Sprague Road to the center line of Ridge Road;  
Thence northerly along the center line of Ridge Road to the center line of Selwick Drive;  
Thence westerly along the center line of Selwick Drive to the center line of Banner Lane;  
Thence south-westerly along the center line of Banner Lane to the center line of Fenway Drive;  
Thence westerly along the center line of Fenway Drive to the center line of Arcadia Drive;  
Thence northerly along the center line of Arcadia Drive to the center line of Ames Road;  
Thence north-westerly along the center line of Ames Drive to the western corporation line of Parma;  
Thence southerly along the western corporation line of Parma to the northern corporation line of Parma, also known as the NE corner of the Bajen Construction Re-subdivision Volumn 201 page 6 as recorded at the Cuyahoga County's Records Office;  
Thence westerly along the northern corporation line of Parma, beginning at the northern line of the Bajen Construction Re-subdivision and continuing along the northern line of the original Bajen Construction Subdivision as recorded on Volumn 172 page 23 of the Cuyahoga County's Records Office to the center line of W. 130th St., the western corporation line of Parma.  
Thence southerly along the center line of W. 130th Street to the center line of Sprague Road, the Point of Beginning of this described Ward Seven.



**CLERK OF COUNCIL**  
**PARMA CITY HALL**  
 6611 RIDGE ROAD  
 PARMA, OHIO 44129



PRESORTED STANDARD  
 U.S. POSTAGE  
**PAID**  
 Cleveland, Ohio  
 Permit No. 983

*Current Resident or*